Required Report: Required - Public Distribution **Date:** February 10,2020

Report Number: PL2019-0044

Report Name: Agricultural Biotechnology Annual

Country: Poland

Post: Warsaw

Report Category: Biotechnology and Other New Production Technologies

Prepared By: Mira Kobuszynska

Approved By: Jonn Slette

Report Highlights:

Poland opposes of the use of genetic engineering (GE) in agriculture. Although the current regulatory framework technically allows GE seeds to enter commerce, by law they cannot actually be planted. Although Poland imports GE soybean meal for poultry and livestock, the 2006 Feed Act prohibits animal feeds with GE ingredients. In 2019, Poland's Parliament postponed the provisions under the 2006 Feed Act which ban GE feed for two years. Beginning January 1, 2020, Poland will have a new voluntary labeling standard to label non-GE food products, foods of animal-origin produced without GE feeds, and for non-GE feeds.

Executive Summary:
Poland is a major European agricultural producer and European Union (EU) Member State (MS). According to the EU's Principle of Primacy, EU regulations supersede national laws. While most Polish scientists and some commercial farmers understand the benefits of advanced agricultural technologies, agricultural biotechnology remains contentious and politicized in Poland. According to public opinion studies, 70 percent of Poles oppose agricultural biotechnology. Studies also indicate that Polish society's general awareness about biotechnology remains low. Environmental organizations and consumer groups, some of which receive funding directly from the European Commission, actively spread nonscientific disinformation in Poland about biotechnology, and protest its use in agriculture.

On January 28, 2013, Poland issued two regulations officially banning the cultivation of 235 GE maize varieties, including MON 810, and the Amflora potato. Both regulations were subsequent to the adoption of the November 2012 Seed Act, which entered into force on January 28, 2013. Although the current regulatory framework technically allows GE seeds to enter commerce, by law the seeds cannot be planted or used for cultivation.

Poland's 2006 Feed Act (OJ 2006 No. 144, item.1045), includes provision which prohibit the processing, marketing, and feeding of GE feeds and/or derived ingredients (mostly imported soybean meal) to poultry and other livestock. On November 4, 2016, Parliament voted in favor of the Act, but due to significant pressure from local poultry and livestock producers, the Parliament has postponed the livestock feed ban several times. Most recently, the Government of Poland (GOP) postponed enforcement of the feed ban in early 2019 until January 1, 2021. Poland remains a major consumer of GE feed ingredients and annually imports over 2.0 million metric tons (MMT) of soybeans, soybean meal, and corn for its livestock.

Currently, the issue of using GE feed ingredients in animal production is not part of Poland's political or civil discourse. Media coverage and/or public awareness about GE animal production is low. While some animal biotechnology research is conducted, these animals cannot be produced commercially.

TABLE OF CONTENTS:

CHAPTER 1: PLANT BIOTECHNOLOGY
PART A: PRODUCTION AND TRADE

a) Product Development
There are no commercial GE crops produced or cultivated in Poland. Several institutions conduct basic research projects under confined conditions, including plant breeding (including in conjunction with foreign companies or laboratories), and environmental impact studies of GE plants.

b) Commercial Production
On January 28, 2013, a general GE-crop cultivation ban entered into force under an amendment to the 2006 Seed Act, which also specifically banned 235 maize varieties, including MON 810, and the Amflora potato. GE seeds are still technically allowed to enter legal commerce, but cannot be planted or used in any practical way. In 2015, Poland declared it would "opt-out" under EU Directive 2015/412 on allowing MSs to restrict or prohibit the cultivation of GE organisms.

c) Exports
Not applicable.

d) Imports
Poland imports biotech-derived feed ingredients, although the 2006 Feed Act technically bans biotech livestock feed. On November 4, 2016, the Parliament voted in favor of the Act, but in practice, it has repeatedly postponed the feed ban. The newest amendment to the Feed Act postpones the enforcement of the GE feed ban until January 01, 2021. Parliament has postponed implementing the ban following strong opposition from Poland's livestock and poultry sectors. Commercial stakeholders continue to hope for another extension before December 2021, or for Parliamentary action to definitively strip the GE feed ban from 2006 Feed Act. Poland currently imports upwards of 2.0 MMT of GE soybean meal from Argentina, Brazil, and the United States, most of which is transshipped through Germany and the Netherlands.

e) Food Aid
Poland is not a food aid recipient or commodity donor. Poland is traditionally a cash donor.

f) Trade Barriers
Poland imposes all EU-legislated trade barriers on imported biotech products.

PART B: POLICY

a) Regulatory Framework
The June 2001 Law on Microorganisms and Genetically Modified Organisms (O.J. 2007, No 36, pos.233, 2009n No 18 pos. 97, 2015 pos. 277) provides the regulatory basis for requirements applicable to GE products/research, and regulates:

- contained use of GE organisms;
- deliberate release of GE into the environment; and
- introduction of GE products into the market.

On March 22, 2018, the abovementioned 2001 Law on Microorganisms and Genetically Modified Organisms was amended (O.J. 2018, pos.810) to harmonize Polish law with EU legislation and to provide the legal basis for the National Strategy for the Biological Security. The amendment entered into force on July 28, 2018. The amendment enforces the EU directive regulating the "deliberate release of genetically modified organisms (GMOs) into the environment". It also enforces the European Court of Justice's 2014 ruling regarding certain provisions regulating reporting, registration, and notification of GE cultivation to the public.

The new regulation--in theory--allows for GE cultivation, but the onerous and bureaucratic procedures required practically prevents it

- To register a GE crop, the registration requires the consent of all landowners within a 30 kilometer radius from the external borders of the plot where cultivation is planned.
- Documentation confirming that the cultivation would not negatively affect the environment is required.
- The consent of the local civic council, the county council, and the provincial council (three levels of regional self-government) are required.
- The area of cultivation cannot be located less than 30 km from the established nature conservatories.
- Other details which create additional barriers for GE cultivation.
- The amendment introduces fines and imprisonment sentences from three months to 12 years, depending on the offenses.

The Ministry of Environment (MOE) is the competent authority handling the notification and regulation of agricultural biotechnology use in Poland. The MOE is advised by the Opinion and Advisory Commission of the Minister of Environment on genetically modified microorganisms (GMM) and GMOs, an expert advisory body consisting of scientists, representatives from administrative authorities and non-governmental organizations. MOE cooperates with the Ministry of Health (MOH) regarding address of potential risks to human health. The MOE is the Competent Authority in reference to the Cartagena Protocol.

MinAg is responsible for animal health, crops, feeds, and agricultural risks associated with biotechnology. MinAg is the Competent Authority in reference to food and feed enhanced through biotechnology and on rules for co-existence.

There are numerous specific acts and regulations on GE legislation which build on the basic 2001 Law on GMOs:
• The Act of July 22, 2006, on Feed (OJ 2006 No. 144, item. 1045), along with later amendments, harmonizes Polish law with EU regulations and implements the EU directives; regulates the production and use of medicated feed and marketing; establishes quality and hygiene requirements for feed, and establishes the means for entering commerce; and regulates supervision and official control of feed.
• The Act of August 25, 2006, On Food Safety and Nutrition (Journal of Laws 2006 No. 171, item. 1225), and amendments. The Act defines, among others, health requirements of food, requirements for

compliance with the principles of food hygiene, materials and articles intended to meet food and the competences of authorities, and basic procedures and requirements of official food controls.
• Act of November 2012, Seed (OJ 2012 pos. 1512), and amendments. The Act regulates the issues related to the examination and assessment of varieties for registration, record keeping crop varieties and production, trade, assessment and control of seed.

Regulations to the Seed Law are as follows:
• Council of Ministers of January 02, 2013. Prohibits Amflora seed potato (OJ 2013 pos. 27)
• Council of Ministers of 2 January 2013. Prohibits maize seed MON 810 (OJ 2013 pos. 39)
• Council of Ministers of 8 May 2013. Amends the Regulation on the Prohibition of Seed Maize MON 810 (OJ 2013 pos. 590)
• Council of Ministers of 30 April 2014. Amends the regulation on the prohibition of seed maize MON 810 (OJ 2014 pos. 641)

On November 18, 2008, the Council of Ministers adopted the Framework for Poland's Position on Genetically Modified Organisms. The GOP's position opposed allowing GE food and feed into the EU Community. The GOP opposes marketing of products under Directive 2001/18/ EC. While the GOP opposes GE cultivation and GE field trials, it recognizes the need to obtain environmental risk assessment data by research institutions and universities.

b) Approvals
Not applicable.

c) Stacked or Pyramided Event Approvals
Poland implements EU legislation for stacked events, for more information please refer to the EU-28 2019 Biotechnology Report.

d) Field Testing
Not applicable.

e) Innovative Biotechnologies
There is currently no specific legislation regarding new breeding techniques in Poland and to date, these techniques are treated as GE. While Polish scientists are interested in innovative technologies (*e.g.* gene editing), the GOP has been reluctant to make meaningful regulatory changes to encourage the research and development of these technologies in Poland.

f) Coexistence
MinAg implemented the coexistence regulations into the national law with the Act of March 22, 2018 (O.J.2018, pos.810), amending the 2001 Law on Microorganisms and GMO. The new Act requires isolation zones between GE crops of 500 and 1,000 meters between conventional and organic crops, respectively.

g) Labeling and Traceability

Poland implements EU regulations for GE food labeling. Packaged foods and feeds derived from and/or containing GE enhanced ingredients must be labeled when GE-derived ingredients exceed 0.9 percent per ingredient. "Contains GMOs" is a typical example of a product label statement found on the Polish market. Labeling is enforced by local authorities and follows EU labeling standards. For more information on EU biotechnology, labeling requirements see EU-28 2019 Biotechnology Report. To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

In 2019 Polish Parliament issued new Act of July 13, 2019 on GMO Free Product Labelling, which was published in the Polish Journal of Laws item 1401. The Act introduces labeling voluntary standards for food products free from GE, including for animal products derived from livestock not fed with GE feeds and/or products. The standard includes a "non-GMO" label. The purpose of the Act is to standardize the labels for food and feed produced without GE ingredients, as well as to standardize the rules for labeling products of animal origin. According to MinAg the labeling scheme will raise the credibility of Polish labeling rules and increase the competitiveness of Polish foods in the domestic market. The new Act will go into force with January 1, 2020.

1. Label for GE-free plant origin foods, single or multi-component, and for GE-free feeds:	2. Graphic Template for labeling food products of animal origin, certifying that no GE feed or other GE ingredients were used during production:
	

h) Monitoring and Testing

Poland implements EU legislation regarding monitoring and testing, for more information please refer to EU-28 2019 Biotechnology Report. The GOP allows imports of GE food only when it is clearly marked, and without any possibility of further processing in Poland. The MOH and MinAg are the Competent Authorities in reference to food and feed enhanced through biotechnology and on rules for co-existence. Poland actively tests for GE traits in imports. The competent Authority for imports of food is Sanitary Inspectorate in Poland. Tests are conducted on risk assessment basis. If a product is unapproved the further procedure depends on the nature of unlawfulness. Sometimes completing documentation is enough to obtain entrance permission.

Every year since 2005, audits have been conducted to monitor studies of conventional rapeseed, maize, and mustard seed (2010) for the presence of admixtures of genetically modified seeds. Samples

of seed marketed in Poland, produced in Poland, other EU Member States or in third countries are collected by State Inspectorate for Plant and Seed Protection (SIPSP) inspectors in accordance with the methodology of the International Seed Testing Association (ISTA). The research is carried out in the Laboratory of Identity Identification and Analysis of "GMO" Central Laboratory of the Main Inspectorate for SIPSP in Toruń. The tests are performed using polymerase chain reaction (PCR) qualitative analysis and real-time PCR quantitative analyzes.

SIPSP carries out inspections in the fields regarding the ban on the use of GE plant seed. So far field inspections focused on compliance with the MON 810 corn ban, and they did not show the presence of GE crops in Poland.

i) Low Level Presence (LLP) Policy
Poland follows EU regulations. Although the EU does not have an LLP Policy, it does have a "technical solution" of at 0.1 percent allowance (a definition of zero) for products with applications submitted to the EU. Poland has been open to imports of commodities meeting the technical solution threshold. Despite its official anti-GE position, at the EU level Poland supports a resolution of the issue.

j) Additional Regulatory Requirements
Not applicable

k) Intellectual Property Rights (IPR)
There is IPR legislation in Poland and Poland adheres to EU-based IPR requirements. For more information on EU biotech-related IPR see EU-28 2019 Biotechnology Report. The main national IPR legislation related to plant breeding is Act of 26 June 2003 on the legal protection of plant varieties.

l) Cartagena Protocol Ratification
Poland signed the Cartagena Protocol in May 2000 and ratified it on December 10, 2003.

m) International Treaties and Forums
Poland is a member of the International Plant Protection Convention, and actively participates in all discussions related to phytosanitary issues. Poland opposes the use of GE technology in agriculture, both in internal policy and in international fora.

n) Related Issues
none

PART C: MARKETING

a) Public/Private Opinions
According to national polls, nearly 70 percent of Polish society opposes the use or cultivation of GE crops and products. Studies also indicate that the general awareness in Poland about science in support of genetic engineering is low.

Anti-GE organizations are active in Poland and include Greenpeace, International Coalition to Protect the Polish Countryside, Stop GMO, Friends of the Polish Countryside, the Greens/European Free Alliance in the European Parliament, Friends of the Earth, and Association of Ecological Farmers. These groups are very vocal and employ Polish celebrities as a means of attracting media coverage. Consistent with their marketing strategy in other countries, these organizations rely on nonscientific innuendos, debunked and/or pseudoscientific studies, and other forms or propaganda.

b) Market Acceptance/Studies

Recent retail studies show that most Polish consumers purchase based on price versus ingredient lists. However, promotional media campaigns often include "GMO free" milk, or cheese, or eggs. Public opinion studies show that 70 percent of respondents oppose buying/eating food derived from GE. Feeds containing GE ingredients are not generally called into question, mostly due to low awareness.

CHAPTER 2: ANIMAL BIOTECHNOLOGY

PART D: PRODUCTION AND TRADE

a) Product Development

Research on GE farm animals remains limited. Three research centers in Poland, chiefly the Institute of Animal Breeding in Balice (Krakow), the Institute of Animal Genetics in Jastrzebiec (Warsaw), and the Agricultural University (Poznan) conduct some research. Each research project must be approved by the MOE. While Polish scientists are interested in innovative technologies (genome editing, etc.), Polish authorities are cautious vis-à-vis their current position. There is no research on cloned animals in Poland.

The main objectives of research on GE animals are:

- Use in the production of proteins, enzymes and other substances in the pharmaceutical industry;
- Immunization of livestock for diseases;
- Increase productivity and efficiency of animals and thus obtain the desired animals traits for breeding;
- Production of material for xenotransplantation. This technology uses cloning for multiplication of animals with organs used for transplantations. It is the only use of animal cloning currently implemented apart from research projects.

b) Commercial Production

In Poland GE animals are used for basic research and pharmaceutical studies. Likewise, there are no commercial applications of animal cloning.

c) Exports

Not applicable

d) Imports

Not applicable

e) Trade Barriers
There are no additional trade barriers beyond EU legislation on biotech and cloned products.

PART E: POLICY

a) Regulatory Framework
As noted above the legislation on GE animals is based on the 2001 Polish Law on Genetically Modified Organisms (updated May 21, 2003). This legislation mainly addresses GE plants. There is no legislation regarding cloning of animals.

The Polish Parliament is working on a new biotechnology law (see Plant Section of the report).

The MOE is responsible for oversight of existing biotechnology regulations.

The MOH is responsible for regulation of food originating from GE animals. These foods are considered "novel foods."

According to the General Veterinary Inspectorate of the Ministry of Agriculture there are no regulations in Poland which are specific to GE animals.

b) Approvals
As throughout the EU, cloned animals are not allowed for human consumption. There are no GE animals approved for import or production in the EU.

c) Innovative Biotechnologies
There is currently no special legislation on innovative biotechnologies in Poland. To date, these techniques are treated as GE. While Polish scientists are interested in innovative technologies (genomic editing, etc.,), they remain cautious vis-à-vis their current position.

d) Labeling and Traceability
Poland has been following the EU regulations in this area. To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

e) Intellectual Property Rights (IPR)
Not applicable

f) International Treaties and Forums
Poland is a member of OIE, OECD, FAO, and actively participates in all discussions related to animal breeding and sanitary issues.

g) Related Issues
none

PART F: MARKETING

a) Public/Private Opinions

To date, there have been discussions on the topic of GE animals or cloning that would divide the general public into two distinct opinion groups, those for genetic engineering, or against the use and development of GE products. Biotechnology in general in Poland remains a much-politicized issue.

b) Market Acceptance/Studies

FAS Warsaw is not aware of any market studies or activities related to the marketing of products derived from cloning or GE animals.

Attachments:

No Attachments